

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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TIMOTHY JAMES VANDERLIN,
Plaintiff,
v.
RENO POLICE DEPARTMENT, *et al.*,
Defendants.

Case No. 3:23-cv-00158-MMD-CSD

and related case

TIMOTHY J. VANDERLIN,
Plaintiff,
v.
CITY OF RENO, *et al.*,
Defendants.

Case No. 3:23-cv-00522-MMD-CSD

ORDER

Pro se Plaintiff Timothy Vanderlin brings this action under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Craig S. Denney (ECF No. 13 in Case No. 3:23-cv-00158-MMD-CSD and ECF No. 5 in Case No. 3:23-cv-00522-MMD-CSD), recommending that the Court: (1) deny as moot the IFP application filed in Case No. 3:23-cv-00522-MMD-CSD; (2) withdraw the order dismissing Case No. 3:23-cv-00158-MMD-CSD; (3) direct the Clerk of Court to file the Second Amended Complaint (ECF No. 1-1 in Case No. 3:23-cv-00522-MMD-CSD (“SAC”)) in Case No. 3:23-cv-00158-MMD-CSD; (4) direct the Clerk of Court to close Case No. 3:23-cv-00522-MMD-CSD; and (5) dismiss the SAC with prejudice. Vanderlin had until January 24, 2024 to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R in full.

1 Because there is no objection, the Court need not conduct de novo review and is
2 satisfied Judge Denney did not clearly err. *See United States v. Reyna-Tapia*, 328 F.3d
3 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and
4 recommendations is required if, but *only* if, one or both parties file objections to the
5 findings and recommendations.”) (emphasis in original). Here, Judge Denney
6 recommends denying the IFP application as moot, withdrawing the order dismissing Case
7 No. 3:23-cv-00158-MMD-CSD, filing the SAC in Case No. 3:23-cv-00158-MMD-CSD, and
8 closing Case No. 3:23-cv-00522-MMD-CSD because the SAC had been intended to be
9 filed in Case No. 3:23-cv-00158-MMD-CSD, not docketed in a new action. After screening
10 the SAC, Judge Denney recommends dismissing it because the Court previously ruled
11 that the Reno Police Department is not a proper defendant, and Plaintiff still does not
12 include sufficient allegations to state a claim against the City of Reno or Detective Tony
13 Moore. Judge Denney further recommends dismissing the SAC with prejudice because
14 Plaintiff has already had multiple opportunities to amend. The Court agrees with Judge
15 Denney. Having reviewed the R&R and the record in this case, the Court will adopt the
16 R&R in full.

17 It is therefore ordered that Judge Denney’s Report and Recommendation (ECF
18 No. 13 in Case No. 3:23-cv-00158-MMD-CSD and ECF No. 5 in Case No. 3:23-cv-00522-
19 MMD-CSD) is accepted and adopted in full.

20 It is further ordered the Plaintiff’s IFP application (ECF No. 4 in Case No. 3:23-cv-
21 00522-MMD-CSD) is denied as moot.

22 It is further ordered that the Court’s January 9, 2024 order dismissing Case No.
23 3:23-cv-00158 (ECF No. 12 in Case No. 3:23-cv-00158-MMD-CSD) is withdrawn.

24 The Clerk of Court is directed to file the Second Amended Complaint (ECF No. 1-
25 1 in Case No. 3:23-cv-00522-MMD-CSD) in Case No. 3:23-cv-00158-MMD-CSD.

26 The Clerk of Court is further directed to close Case No. 3:23-cv-00522-MMD-CSD.
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1 It is further ordered that the Second Amended Complaint filed in Case No. 3:23-
2 cv-00158-MMD-CSD is dismissed with prejudice.

3 The Clerk of Court is directed to enter judgment accordingly and close Case No.
4 3:23-cv-00158-MMD-CSD.

5 DATED THIS 29th Day of January 2024.

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9 MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE